

# **Fiscal Note**



Fiscal Services Division

SF 432 – Marijuana Possession Penalty (LSB1586SV)

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Fiscal Note Version – New

# **Description**

<u>Senate File 432</u> would change the penalty for first offense possession of marijuana under five grams from a serious misdemeanor to a simple misdemeanor.

# **Background**

Current law states that a person convicted of first offense possession of marijuana commits a serious misdemeanor punishable by a fine of no more than \$1,000 and confinement for no more than six months. In FY 2016, there were 3,399 first offense possession of marijuana convictions.

## **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing
  patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and
  other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- 50.0% of the 3,399 first offense possession of marijuana convictions in FY 2016 involved five grams or less.
- 75.0% of the additional simple misdemeanor first offense possession of marijuana convictions involving five grams or less would utilize the services of a public defender.

#### **Impact**

## **Correctional Impact**

Simple misdemeanor convictions are punishable by confinement of no more than 30 days, or a fine of at least \$65 but no more than \$625. This Bill would result in an estimated 850 fewer serious misdemeanor convictions in FY 2018. This amount would increase to 1,700 fewer convictions in FY 2019. There would be fewer jail, prison, Community-Based Corrections (CBC) residential facility admissions, and be fewer placements for probation and parole. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS under those supervisions; and supervision marginal costs per day for convictions of simple and serious misdemeanors. Refer to the LSA memo addressed to the General Assembly, Correctional Impact Memo, dated January 30, 2017, for information related to the correctional system.

Table 1 – Sentencing Estimates and LOS

			FY 16				FY 16 Avg		FY 16	Percent	Avg LOS	
		Avg LOS	Marginal	Avg LOS		Avg LOS	Cost/Day		Marginal	to	County	Marginal
	Percent	Prison	Cost/Day	Parole	Percent to	Probation	Parole &	Percent	Cost/Day	County	Jail	Cost/Day
	to Prison	(months)	Prison	(months)	Probation	(months)	Probation	to CBC	CBC	Jail	(days)	Jail
Serious Misd												
(Non-Persons)	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	14	\$15.00
Simple												
Misdemeanor	N/A	N/A	\$18.51	N/A	N/A	N/A	\$4.59	N/A	\$10.28	N/A	6	\$15.00

## **Minority Impact**

This Bill would have a positive minority impact to the African-American community. In FY 2016, 18.0% of the persons convicted of first offense marijuana possession were African-American. The U.S. Census estimate as of July 1, 2015, states that the lowa population was 3.5% African-American. Refer to the LSA memo addressed to the General Assembly, Minority Impact Memo, dated January 30, 2017, for information related to minorities in the criminal justice system.

#### **Fiscal Impact**

During FY 2018, it is estimated that there would be 17 fewer admissions to prison, eight fewer admissions to a CBC residential facility, 399 fewer admissions to jail, and 526 fewer placements on probation status. Those numbers would double in FY 2019 and subsequent years. **Table 2** below shows the estimated cost savings to the General Fund under this Bill.

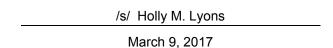
Table 2 – Estimate of Costs

		Convict	ion Shift	Cost Increase Estimate		
<u>Offense</u>	Cost Range	FY 2018	FY 2019	FY 2018	FY 2019	
Serious Misdemeanor	\$250 - \$4,200	-850	-1,700	(\$283,250)	(\$559,300)	
Simple Misdemeanor	\$30 - \$330	850	1,700	\$216,750	\$433,500	
Net Change		0	0	(\$66,500)	(\$125,800)	

Additionally, with considerably fewer jail admissions and shorter LOS, there would be savings to local governments.

#### Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning Department of Corrections
Office of the State Court Administrator
Office of the State Public Defender



The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.